

15TH DECEMBER 2019 INQUEST

## Mobility scooter death prompts call to change law

### Coroner records verdict of unlawful killing after elderly pedestrian was struck on pavement

By Daily Telegraph Reporter

PEDESTRIANS need new legal protections against mobility scooters, a coroner has warned, as she ruled a pensioner struck by an elderly rider was unlawfully killed. Frederick Longlands, 88, died in hospital weeks after he was hit from behind by a scooter while walking in Ilkeston, Derbyshire. Police said files were submitted to prosecutors, but Leslie Henshaw, 79, the scooter driver, died before charges could be brought.

At an inquest at Derby Coroner's Court, assistant coroner Tanyka Rawden concluded that Mr Longlands was unlawfully killed. As part of her ruling, Ms Rawden said she would write to the Government to call for greater protections against mobility scooter riders, adding: "I have very strong views about this, there needs to be some sort of protective legislation for pedestrians."

The inquest heard Mr Longlands, a retired foreman, was walking on the pavement in February 2015 when he was knocked over by Mr Henshaw. He suffered facial injuries and died in hospital after contracting bronchopneumonia caused by a complex haemorrhage.

Det Sgt Darren Muggleton told the hearing that CCTV indicated Mr Longlands would not have been aware the scooter was behind him at the time of the collision. Describing the footage, Det Sgt Muggleton said that Mr Henshaw appeared to be driving his vehicle at or above the four mph limit.

The law around mobility scooters states that vehicles must not exceed four mph on the pavement and eight mph on the road. Mr Henshaw had a Class 3 mobility scooter, which is allowed to drive on the road.

### *4 mph*

*The maximum speed a mobility scooter is allowed to be driven on pavements. It is 8 mph when driving on roads*

Det Sgt Muggleton told the inquest it was the first scooter Mr Henshaw had purchased and he had never driven a car in his life. He added: "What was interesting was that someone with no driving experience was allowed to drive among vulnerable people."

When questioned by police under caution, Mr Henshaw described events that did not match the evidence. In an interview with police, he claimed to have been “crawling” along the pavement, going at “almost zero” mph.

Mr Henshaw said he had tried to manoeuvre around Mr Longlands, but his victim had made an unexpected change of direction. The pensioner told police that, when he bought the scooter, he had some knowledge of the Highway Code but nobody told him the law. The Highway Code states that mobility scooters riding on the pavement should give way to pedestrians.

Trevor Jones, a police vehicle examiner, said the accident was not caused by a mobility-scooter defect, and added it was not an “isolated incident”. He said: “I’ve done quite a few over the years I’ve been doing this. There needs to be attention drawn to it.” Following the collision, Det Sgt Muggleton said a file was submitted to the Crown Prosecution Service.

The inquest was told a charge of death by dangerous driving could not be brought forward as mobility scooters are not covered in the Road Traffic Act 1998. Derby Coroner’s Court was told a potential alternative charge of “wanton and furious driving of a carriage” or “manslaughter by gross negligence” could have been brought, but Mr Henshaw died before a decision could be made.

Mr Longlands’ daughter, Elaine Buxton, said she hoped for something positive to emerge following the inquest.

She said: “At the end of the day it was an accident. The guy wasn’t being responsible but when something like that happens out of the blue some good has got to come out of it.”